IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6988 of 2005

Between:

D.Ravi Kumar, S/o.Satyanarayana,

Driver, E-304237, aged about 45 years,

R/o.Maddilagudem(v), Dammapet(M),

Khammam District

..... PETITIONER

AND

1. The Regional Manager, APSRTC,

Khammam Region, Khammam District

2. The Divisional Manager, APSRTC,

Khammam Division, Khammam District

3. The Depot Manager, APSRTC,

Sathupally Bus Depot, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the Proceeding No.E2/1(59)/95-SPL, dated 13.03.1995 as illegal, arbitrary and unjust and consequently set aside the Proceeding No.E2/1(59)/95-SPL, dated 13.03.1995 issued by the 3rd Respondent and pass such further other order or orders.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent Nos.1 to 3: MS.P.RAJANI REDDY, SC FOR APSRTC

The Court at the admission stage made the following:

ORDER:

Declaring the action of the 3rd respondent in imposing major penalty vide proceedings No.E2/1(59)/95-SPL dated 13.03.1995, as illegal and arbitrary, the present writ petition is filed.

The petitioner is working as a Driver in the respondent Corporation. He was charged for certain irregularities. He submitted his explanation. The 3rd respondent passed an order on 13.03.1995 without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of one year, which shall have effect on future increments of the petitioner. The petitioner preferred an appeal to the appellate authority and the same was rejected. Hence the writ petition.

2. The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to the petitioner. Therefore, he approached this Court through this writ petition to declare that the action of the respondents is illegal and to direct the respondents to add the deferred increment.

3. It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry in terms of relevant service regulations.

4. Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of one year with cumulative effect, imposed by the 3rd respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of one year without cumulative effect. The petitioner is not

entitled for the difference of the amount if any by virtue of this Order, but he is entitled to get the increment on notional calculation from the date of this Order to which he is entitled.

5. The writ petition is, accordingly, disposed of. No costs.

Dated: 31.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager, APSRTC,

Khammam Region, Khammam District

2. The Divisional Manager, APSRTC,

Khammam Division, Khammam District

3. The Depot Manager, APSRTC,

Sathupally Bus Depot, Khammam District

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